

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
14307-6Total Pages in this Submission
129**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

and invented by:

Samuel M. SHAOLIAN, George P. TEITELBAUM
Thann Van NGUYEN, Frank NGUYEN,
To V. PHAM, Vincent DIVINO, Jr., and
Michael R. HENSON

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/420,422

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: PCT/US03/09285

Which ☒ claims the benefit of United States Provisional Patent Application 60/424,942

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 62 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
14307-6

Total Pages in this Submission
129

Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal Number of Sheets 41
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☒ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EV 247106472 US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Total Pages in this Submission
129

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted:

| |
|--|
| |
|--|

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
14307-6

Total Pages in this Submission
129

Fee Calculation and Transmittal

CLAIMS AS FILED

| For | #Filed | #Allowed | #Extra | Rate | Fee |
|--|--------|----------|--------|-----------|----------|
| Total Claims | 33 | - 20 = | 13 | x \$9.00 | \$117.00 |
| Indep. Claims | 1 | - 3 = | 0 | x \$42.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| BASIC FEE | | | | | \$375.00 |
| OTHER FEE (specify purpose) _____ | | | | | \$0.00 |
| TOTAL FILING FEE | | | | | \$492.00 |

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-2090** as described below.
- ☒ Charge the amount of **\$492.00** as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

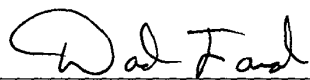
Dated: June 25, 2003



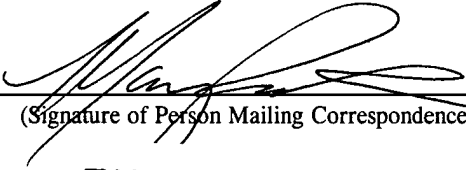
23676

PATENT TRADEMARK OFFICE

cc: Vertelink Corporation


Signature

David A. Farah, M.D.
SHELDON & MAK PC
225 South Lake Avenue, 9th Floor
Pasadena, California 91101
Tel.: (626) 796-4000
Fax: (626) 795-6321
E-mail: davidf@usip.com
Registration No. : 38, 134 Customer N. : 236

| | | | | |
|--|-------------------------------------|-----------------------------------|---|--|
| CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) | | | Docket No. 14307-6 | |
| Serial No. To be assigned | Filing Date June 25, 2003 | Examiner To be assigned | Group Art Unit To be assigned | |
| Inventor(s): SHAOLIAN, Samuel M. et al. | | | | |
| Invention: "Transpedicular Intervertebral Disk Access Methods and Devices" | | | | |
| <p>I hereby certify that the following correspondence:</p> <ol style="list-style-type: none"> 1. Utility Patent Application Transmittal (Small Entity) (4 pages) 2. United States Patent Application (54 pages Disclosure, 7 pages Claims and 1 page Abstract) 3. 41 Sheets of Drawings (Figures 1-54) 4. Combined Declaration and Power of Attorney executed by the seven inventors (5 pages) 5. Power of Attorney by Assignee Vertelink Corporation (1 page) 6. Assignments of Rights executed by the seven inventors (2 pages each, 14 pages total) 7. Recordation Form Cover Sheet 8. Acknowledgment Postcard <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: <u>June 25, 2003</u> (Date)</p> <p style="text-align: right;"><u>Marilyn Paik</u> (Typed or Printed Name of Person Mailing Paper or Fee)</p> <p style="text-align: center;"> (Signature of Person Mailing Correspondence)</p> <p style="text-align: center;">EV247106472US</p> <p style="text-align: center;"><u>EV 247106472US</u> (“Express Mail” Mailing Label No.)</p> | | | | |